

CONFIDENTIAL

*Complaints against Government officials
received by the Anti-Corruption and
Prohibition Intelligence Bureau :*

Investigation of —

GOVERNMENT OF MAHARASHTRA

GENERAL ADMINISTRATION DEPARTMENT

Circular No. CDR-1072/13903-D-I

Sachivalaya, Bombay-32 BR, dated the 7th December 1972

C I R C U L A R

According to the prescribed procedure when complaints making allegations of corruption, bribery or criminal misconduct against Government servants are received by the Anti-corruption Bureau, the Anti-Corruption Bureau officers are required to make discreet enquiries into such complaints and care is required to be taken to see that a Government servant against whom an enquiry is being made or any person who is likely to be interested in him does not come to know that such an enquiry is being made. Many a time Anti-Corruption Bureau receives anonymous complaints containing allegations which are vague and of general nature. Under Government Circular, General Administration Department No. CDR-2065/2410-D-I, dated the 31st January 1966, it has been directed that if the Anti-Corruption Bureau considers that allegations made in any of the anonymous complaints deserve to be enquired into, the Bureau should send such anonymous complaints to the Head of the District Administration to which the Government servant belongs and the latter should be required to favour the Anti-Corruption Bureau with his views in the matter having a bearing on the reputation of the Government servant or the background of the incident under allegation. The procedure contemplates that the Head of the Department/Office himself should furnish the Anti-Corruption Bureau with his own views and that the complaint or the application should not be sent for comments or remarks to the very officer complained against.

2. Generally, in cases where there is a suspicion of corrupt conduct arising out of irregular procedure and where administrative verification of the alleged irregularity is considered necessary, the complaints are forwarded by the Anti-Corruption Bureau to the Heads of Departments/Offices concerned to verify whether the procedure followed was in fact irregular. In such cases also the procedure referred to in para 1 above is required to be followed by the Head of the Department/Office to whom the complaint is sent by the Anti-Corruption Bureau. However, instances have unfortunately occurred in which the complaints forwarded by the Anti-Corruption Bureau to the Heads of Departments/Offices were in turn sent for comments or remarks to the very officer against whom the allegations were made. This procedure is not correct. Government is, therefore, pleased to direct that in no case complaints pertaining to bribery, corruption or criminal misconduct made against Government officers should be sent, either by the Anti-Corruption Bureau or the Head of Department/Office concerned for comments or remarks to the officer against whom the complaints are made. In such cases, either an officer of the Anti-Corruption Bureau should make necessary enquiry or if the complaint is sent by the Anti-Corruption Bureau to the Head of Department/Office, the latter should himself make the necessary enquiry and furnish his own views to the Anti-Corruption Bureau. If, however, for any reason it is not possible for the Head of Department/Office to make such an enquiry, he should entrust such enquiry to some other officer of a status higher than that of the officer against whom the allegations are made. But in no case the complaint or application should be referred to the officer against whom the allegations are made for his comments, remarks, verification of facts or otherwise.

3. Government desires that these instructions should be followed very scrupulously and any breach thereof will be viewed seriously.

By order and in the name of the Governor of Maharashtra,

M. K. GUPTE,

Under Secretary to the Government of Maharashtra.

To

The Secretary to the Governor,

The Secretary to the Chief Minister,

The Personal Assistants to Ministers, Ministers of State and Deputy Minister,

The Lokayukta, Bombay (By letter),

The Prothonotary and Senior Master, High Court, Bombay (By letter),

The Registrar, High Court, Appellate Side, Bombay (By letter),

The Director, Anti-Corruption and Prohibition Intelligence Bureau, Bombay,

All other Heads of Departments and Heads of Offices,

The Home Department,

All other Departments of the Secretariat.

No. of 1972.

Copy forwarded for information and guidance to—